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Attorney for Plaintiff
Dr. Anna Vertkin

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Dr. Anna Vertkin

Plaintiff,

vs.

Michael Vertkin, and Does 1-20.

Defendants

) Case No.: C 07 4471

)

) **PLAINTIFF'S EX-PARTE FIRST**
) **REQUEST AND [PROPOSED] ORDER**

) **SHORTENING TIME TO HEAR**

) **DEFENDANT'S MOTION TO EXTEND**

) **THE DEADLINE FOR EARLY NEUTRAL**
) **EVALUATION**

)

) Date of Motion: August 20, 2008

) Time 4:30 pm

) Judge: The Honorable Samuel Conti

Under ADR Local Rule 16-1(c), Plaintiff Dr. Anna Vertkin, through her counsel, move for leave of Court to extend the deadline for conducting an Early Neutral Evaluation ("ENE" Session and for an order shortening time. The parties are currently scheduled for an ENE conference on August 21, 2008. Both parties have filed their respective ENE statements with the ENE evaluator.

Plaintiff is doctor traveling abroad for medical practice purposes. Plaintiff had scheduled her return prior to the schedule ENE Conference. As a requirement of the foreign government where Plaintiff is traveling she had to surrender her passport as part of her medical credential review. On August 15, 2008, Plaintiff notified her attorney that she was

1 just informed by the government agency that there would be a three month delay in returning
2 her passport to her and until that time she would be unable to leave the country.

3 On August 15, 2008, immediately upon learning of Plaintiff's unavailability, Plaintiff's
4 counsel contact the pro per Defendant, Mr. Michael Vertkin and ENE evaluator to give them
5 notice that Plaintiff would not be able to attend the currently scheduled ENE. Plaintiff had a
6 few weeks prior requested of Defendant to agree to Stipulate to continue the ENE, but
7 Defendant denied the request. Defendant had requested an extension prior to that which
8 Plaintiff did agree to.

9 Plaintiff just learned of the unavailability and argues that the failure of a foreign
10 government to return Plaintiff's passport should be considered an extraordinary
11 circumstance.

12 Plaintiff requests an order resetting the Early Neutral Evaluation Conference to
13 November 19, 2008 and an Order shortening time.

14 Dated this 18th day of August, 2008

15
16 /s/

17 _____
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